

HONORABLE BENJAMIN H. SETTLE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BERKLEY INSURANCE COMPANY, a
foreign insurer,

Plaintiff,

v.

PHILADELPHIA INDEMNITY
INSURANCE COMPANY, a foreign insurer,
FIRST RESPONSE, INC., an Oregon
corporation, CLARK COUNTY, a
Washington municipal corporation, and
ALLEN BRICKER, an individual,

Defendants.

Cause No. 3:18-cv-05461-BHS

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE OR COSTS UNDER
F.R.C.P 41(a)(1)(A)(i)**

CLERK'S ACTION REQUIRED

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Berkley Insurance Company hereby voluntarily dismisses this case without prejudice or costs to any party.

In relevant part, Federal Rule of Civil Procedure 41(a)(1) provides as follows:

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

1 **(A) Without a Court Order.** Subject to Rules 23(e), 23.1(c), 23.2, and 66
2 and any applicable federal statute, the plaintiff may dismiss an action
3 without a court order by filing:

4 **(i)** a notice of dismissal before the opposing party serves either an
5 answer or a motion for summary judgment; or

6 **(ii)** a stipulation of dismissal signed by all parties who have
7 appeared.

8 Fed. R. Civ. P. 41(a).

9 No party has answered or filed any motion for summary judgment. As such, dismissal
10 on this matter is appropriate.

11 DATED this 14th day of August, 2018.

12 LEATHER & ASSOCIATES, PLLC

13 /s/ Thomas Lether

14 /s/ Eric Neal

15 Thomas Lether, WSBA #18089

16 Eric J. Neal, WSBA #31863

17 1848 Westlake Avenue N, Suite 100

18 Seattle, WA 98109

19 P: (206) 467-5444/F: (206) 467-5544

20 eneal@letherlaw.com

21 tlether@letherlaw.com

22 Counsel for Plaintiff Berkley Insurance Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the State of Washington and the United States of America that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing *Notice of Voluntary Dismissal* on the following party(ies):

Taylor Hallvik
Deputy Prosecuting Attorney
Clark County Prosecutor's Office
Civil Division
P.O. Box 500
Vancouver, WA 98666-5000
T: (360) 397-2478
Taylor.hallvik@clark.wa.gov
Attorney for Defendant Clark County

Via: ☒ ECF ☐ E-mail ☐ Via U.S Mail

Dated this 14th day of August, 2018, at Seattle, Washington.

/s/ Rae Thompson
Rae Thompson | Paralegal